

TITLE 11
DEPARTMENT OF HEALTH
CHAPTER 177
CERTIFICATION STANDARDS FOR SUBSTANCE ABUSE COUNSELORS AND
PROGRAM ADMINISTRATORS

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§11-177-1 Purpose.

The purpose of this chapter is to establish standards for certification of substance abuse counselors and program administrators employed by substance abuse programs receiving any state funding. [Eff MAR 4 1985] (Auth: HI §321-196)

§11-177-2 Definitions.

As used in this chapter: "Advisory commission" means the Hawaii advisory commission on drug abuse and controlled substances established in section 329-2, Hawaii Revised Statutes.

"Certification" means a process of authorization of qualified individuals as substance abuse program administrators or substance abuse counselors pursuant to section 321-193(10), HRS.

"Client" means an individual who is entitled to receive the full services of a program and for whom a treatment or service plan is developed. A client receives services on a continuous or regularly scheduled basis. The term "client" is synonymous with patient, resident, consumer, or recipient.

"Code of ethics" as provided in section 11-177-16 means those behavioral guidelines established by the department to govern the conduct of persons certified.

"Counselor" means a program staff member, who through both education and demonstrated experience is capable of assessing client needs, providing individual, group, and family counseling, and other services to clients and who is certified as a substance abuse counselor by the department of health to provide, such services in a substance abuse program.

"Courses in a related field" means courses at the under-graduate or graduate level in psychology, educational psychology, sociology, social work, anthropology, human services, human development, or specialized substance abuse training courses. For program administrator applicants this, also means courses in business management, public health, and hospital administration.

"Department" means the department of health, State of Hawaii.

"Director" means the director of health, State of Hawaii.

"Full time" is a minimum of thirty-five hours a week for a minimum of forty-eight weeks a year.

"Program administrator" means any person whose job description includes provision of direct supervision of counselors.

"Revocation" means the loss of certification for either twenty-four months or the remaining period of certification, whichever is greater.

"Substance" means alcohol, any drug on schedules I to IV of chapter 329, Hawaii Revised Statutes, or any substance which includes in its composition volatile organic solvents.

"Substance abuse" means the misuse of a substance or the use of a substance to an extent deemed deleterious or detrimental to the user, to others, or to society.

"Substance abuser" means any person incapable of managing the person's self or affairs or unable to function adaptively in society due to use of a substance.

"Substance abuse program" means a program concerned with education, prevention, and treatment directed toward achieving the prevention of substance abuse or, the social, mental, and physical restoration of substance abusers. The term "program" is synonymous with facility, agency, unit, and organization.

"Suspension" means a temporary loss of certification.

§11-177-3 Role of the advisory commission.

The advisory commission may review and recommend to the department:

- (1) Amendments to the certification standards;
- (2) The selection, evaluation and revision of testing instruments and study materials for applicants for certification;
- (3) The administration of written and oral examinations and the establishment of passing scores;
- (4) Application for an award, or denial of provisional or full certification to a counselor or administrator; and
- (5) Action concerning reported violations of the code of ethics. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-194)

§11-177-4 Applicants for certification.

Any person may apply for certification as a substance abuse counselor or program administrator. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-5 Categories of certification.

Qualified applicants may receive full or provisional certification in one or both of the following categories:

- (1) Substance abuse counselor (alcohol abuse and drug abuse); and
- (2) Substance abuse program administrator. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-6 Period of certification.

Full certification by the department shall be granted for a period of three years to an applicant meeting all of the requirements of this chapter. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-7 Provisional certification.

(a) A provisional certificate may be issued to applicants not meeting the minimum requirements for full certification. A provisional certificate may be issued to an applicant who has met any two of the first three requirements of certification listed in section 11-177-8.

(b) A provisional certificate shall be granted for a period of two years. Provisional certificates are not renewable. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-8 Requirements for certification.

Each applicant certified by the department shall:

- (1) Have completed two years of full time experience under supervision in a substance abuse program. Education may be substituted for the required experience on the basis of two credit hours in a course in a related field for one month's experience. A maximum of twenty-four credit hours for one year of experience may be substituted;
- (2) Not have abused any substance for a period of two years prior to application;
- (3) Have completed successfully the required examination under section 11-177-10; and
- (4) Not have had prior certification revoked under section 11-177-14 within the last thirty-six months from date of application.

§11-177-9 Documentation required.

Each applicant for certification shall provide the following documentation to the department:

- (1) Application for certification;
- (2) Transcripts or verification of completion of academic experience and any specialized training;
- (3) A resume of relevant work experience and academic activity which shall reflect at least the minimum requirements for certification; and shall include supervisors evaluative statements of the applicant's relevant substance abuse experience;
- (4) A signed statement indicating no abuse of any substance for a period of two years prior to application, or a statement indicating when the two year period will be attained. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-10 Examination.

- (a) No applicant for certification shall be eligible for examination until the application documents have been reviewed and approved by the department.
- (b) Upon approval of the required documents, an applicant shall be required to undergo an examination consisting of a written and an oral section.
- (c) There shall be a minimum of one testing cycle annually.
- (d) A public notice including the date, time, and place for the examination will be published sixty days prior to the examination date.
- (e) Test guidelines and a bibliography of suggested resource materials may be made available.
- (f) Successful completion of the examination shall be determined by applicants achieving a minimum score of seventy percent on each of the written and oral sections.
- (g) An applicant for certification shall be examined to demonstrate an adequate general knowledge of the following areas:
 - (1) Alcohol and/or drug information;
 - (2) Federal confidentiality regulations and other state and federal regulations applicable to substance abuse;

- (3) Treatment techniques and planning;
- (4) Symptomatology, diagnosis, and referral;
- (5) Follow-up care;
- (6) Crisis intervention; and
- (7) Other areas as appropriate.

(h) An applicant for program administrator certification shall also be examined to demonstrate knowledge in areas which include but are not limited to the following:

- (1) General administration/management principles;
- (2) Program planning; and
- (3) Knowledge of community resources. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-11 Re-examination.

(a) An individual who has failed the examination is not eligible for re-examination until six months after the date he/she failed the certification examination.

(b) An individual who failed the examination process two times consecutively shall not be re-examined for a minimum of one year from date of the last examination failure. [Eff] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-12 Re-certification.

(a) An individual may be re-certified within four years from receiving last full certification.

(b) Each applicant for re-certification shall provide the following documents to the department:

- (1) A resume of relevant work experience which must reflect at least two years full time employment in the substance abuse field during the four years preceding application.
- (2) Application for re-certification.
- (3) Transcripts or verification of completion of at least six credit hours from courses in a related field during the two years preceding application.
- (4) A signed statement indicating no abuse of any substance for a period of two years prior to application for re-certification.

§11-177-13 Fees.

(a) Application: A non-refundable fee of \$25 must accompany each application for substance abuse counselor or program administrator.

(b) Examination: A \$35 fee shall be charged for the substance abuse counselor examination; paid by the applicant; an additional \$35 fee shall be charged for the substance abuse program administrator examination. The examination fee shall be received from each applicant prior to scheduled written examination date.

(c) Re-certification: The fee to renew the three year certificates for either counselors or program administrators shall be \$25.

§11-177-14 Reprimand, suspension, and revocation.

(a) Grounds for reprimand, suspension or revocation of certification are:

- (1) Any false or fraudulent statement in the application for certification;
- (2) Any violation of the code of ethics by the certified substance abuse counselor or program administrator;
- (3) Conviction of the certified substance abuse counselor or program administrator of any felony or any substance related offense; or
- (4) Alcohol or drug abuse by the certified substance abuse counselor or program administrator applicant.

(b) A violation of any of the conditions in section 11-177-14(a) shall result in the following:

- (1) A written reprimand that is sent to all parties involved. Two reprimands within a two year period shall result in a six month suspension.
- (2) A suspension resulting in a limited loss of certification for a period of not less than thirty days nor more than twelve months, the dates to be designated by the director. The third suspension in a four year period shall result in revocation of certification. Written notice of a suspension shall be sent to all parties involved. Upon expiration of suspension period, the director shall authorize reinstatement for the balance of the certification period, unless:
 - (A) Another suspension or revocation has occurred.
 - (B) The normal term of certification has elapsed. If so the individual may apply for re-certification under the regular procedures.
- (3) Revocation of certification meaning the loss of certification. Written notice of a revocation shall be sent to all parties involved.

§11-177-15 Report of violation.

Any report to the director of a violation as specified under section 11-177-14(a) shall be pursuant to the following process:

(1) The person making the charges shall notify the director in writing within thirty days, or an extended period for good cause, from the time of discovery of the alleged violation. Only those cases having written documentation in support of the allegations shall be reviewed.

(2) The alleged violator shall be notified in writing within fifteen days, or an extended period for good cause, of receipt of the allegations.

(3) Within thirty days, or an extended period for good cause, the case shall be dismissed for unsubstantiated charges or disciplinary action as described in section 11-177-14(b) shall be taken.

§11-177-16 Code of ethics.

Each certified individual shall be guided by the following code of ethics:

(1) The recovery of all persons served shall be promoted and assisted by providing the highest quality of care.

(2) An objective, professional relationship shall be maintained at all times with all clients and clients' families. A strict policy on nondiscrimination because of race, color, religion, age, sex, national ancestry or economic status shall be adhered to.

(3) The basic human rights of the client shall be respected, including the clients' right to make their own decisions, and to participate in any plans made in their interest.

(4) When it is in the clients' best interest to refer or release them to another program, such referral or release shall be effected expeditiously.

(5) The legal requirements for confidentiality of all records, materials and communications regarding clients and their families shall be followed.

(6) Continuing education and training for professional growth shall be maintained.

(7) Respect for the rights and views of colleagues and members of other professions and other programs shall be demonstrated.

(8) Precedence shall be given by the certified individual to professional responsibility over personal interests. [Eff]
(Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177-17 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected thereby. [Eff]
(Auth: HRS §321-196) (Imp: HRS §321-193)